

Law Clerk's Copy

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FILED
HARRISBURG, PA

June 4, 2001

JUN 06 2001

The Honorable Judge Yvette Kane
United States District Court
228 Walnut Street
Room 1060
Harrisburg, PA 17108

MARY E. D'ANDREA, CLERK
Per SK
Deputy Clerk

Re: Clarence Franklin vs. Pennsylvania Department of Corrections, et al.
Civil No. 1: CV-00-0238

Dear Judge Kane:

Pursuant to an Order, entered on the 14th day of May, 2001, the Court ordered, that within 15 days of the date of this order, plaintiff must demonstrate to the Court that he has exhausted his administrative remedies with respect to the facts alleged in the complaint. We respectfully ask the Court to give plaintiff an additional twenty (20) days to comply with the order. The following reasons are offered in support thereof:

1) Plaintiff, Clarence Franklin, is an inmate presently confined at the State Correctional Institution at Camp Hill, Pennsylvania. 2) In response to the Order, Mr. Franklin provided this office with a letter detailing his efforts to exhaust his administrative remedies. A true and correct photocopy of letter, dated May 18, 2001, is attached hereto. 3) Additional evidence documenting the steps taken by plaintiff to exhaust his administrative remedies were not provided, and presumably are within his or his mother's possession. 4) The enclosed letter from Mr. Franklin was not received in this office until May 21, 2001. 5) The undersigned was on vacation, commencing May 18, 2001, until May 28, 2001. 6) The letter from Mr. Franklin was not reviewed by the undersigned until after the fifteen days have run.

The Honorable Judge Yvette Kane
June 4, 2001
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Accordingly, we respectfully request this Court to allow an additional twenty (20) days to allow the undersigned to obtain the documents and supply them to the Court.

Respectfully submitted,

FINCOURT B. SHELTON & ASSOC., P.C.

By:  Fincourt B. Shelton, Esquire

FBS/lr

Enclosure

cc: Peter Hobart, Esquire

By:

Clarence Franklin - CU0660, File No. 3540-4-99
 P.O. Box 244
 Graterford, Pa 19426-0244

5-18-01

Mr. Fincourt B. Shelton,

How are you doing? I am the above and I just received your Memorandum 5-17-01 you did for us, please let me get to that. Well Mr. Shelton I went through the ADM 804 (Inmate Grievance Review System), and my mom sent everything, from the written incident, witnesses, Grievance, Request to Capt. Carney of Security, Request slips to Superintendent Kyle, a letter to Commissioner Horn. So on the Grievance that I in on my incident the response that I was given was that I couldn't file one because we (inmates) aren't allowed to file grievance on behalf of a misconduct that they gave me to cover up what was wrong they did to me, so that should be in our file that I have because my mom sent you all paper work that I done, so if you don't have any of this paper work then you have to contact my mom at (215) 548-1516 and she will get those to you and I will also write her, because I did all I could do to resolve with state remedies even though I don't see what good it would have been to me, because it's not like it would have gotten my tip of my finger back on, but even though it wouldn't have happen I did what I was suppose to do and on the Request slips I don't think Kyle ever responded to me, but I copied all my paper work I did on them and sent to my mom, and I did get something back from Central Office where Commissioner Horn works, so you have all of that if my mom sent you that paper work like I asked her. Thank you!

Sincerely,

Clarence Franklin - CU0660
 P.O. Box 244
 Graterford, Pa 19426-0244

INSTRUCTIONS:

1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Brief, clear statement of grievance:

On the above date while collecting the dinner trays C/O Hoover said to C/O Johns I wonder how Franklin liked his food after I pissed in it and this C/O has been harassing me for about two months now since my finger tip has been cut off on 2-20-98 and I have reported this to the Unit Manager and still hasn't nothing been done about C/O Hoover harassing me and I would like something done because he thinks he is above the law and that nothing will be done about his harassing me and not only the racial comments, smart remarks, but now he wants to play with my food, so if something isn't done about C/O Hoover harassment to me then my lawyer will deal

B. Actions taken and staff you have contacted before submitting this grievance with this:

Reported C/O Hoover to Unit Manager used several times and nothing has been done and I haven't heard anything from my last grievance you sent to MR. Ward for him to resolve
Grievance # Cam-0314-98

Your grievance has been received and will be processed in accordance with DC-ADM 804

Signature of Grievance Coordinator

Date

WHITE—Grievance Coordinator Copy

CANARY—File Copy

PINK—Action Return Copy

GOLDENROD—Inmate Copy

DC-135A		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.	
1. TO: (NAME AND TITLE OF OFFICER)		2. DATE	
Unit Manager, Mr. Ward		2-23-98	
3. BY: (INSTITUTIONAL NAME AND NUMBER)		4. COUNSELOR'S NAME	
Clarence Franklin Cusack		Mr. Chambers	
5. WORK ASSIGNMENT		6. QUARTERS ASSIGNMENT	
		Mod 5 E BIK A2-20	
7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.			
<p>Look Mr. Ward I am having a problem with some of your SMU staff, your LT. Cooney, Sgt Shaw, C/O Hoover, Finger making racist remarks and so forth, but they are suppose to be professional at their job, here is it that Sgt Shaw has to call C/O's into my cell to look at my finger like it's some type of showcase, so I would appreciate if you would tell them to leave me alone and putting the information in my IX trying to make this pattern.</p>			

to cover up his wrongness by given me a misconduct that
 was a lie all around and I would like to speak to you!

B. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

☐ TO DC-14 CAR ONLY

☐ TO DC-14 CAR AND DC-15 IRS

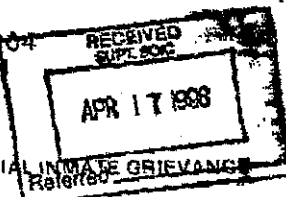
STAFF MEMBER

DATE

06/05/2001 08:08 2155487558

FRANKLIN

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DC-804
PARTCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL PA. 17001-0598OFFICIAL INMATE GRIEVANCE
Reference

GRIEVANCE NO

TO: GRIEVANCE COORDINATOR	INSTITUTION	DATE
FROM: (Commitment Name & Number)	INMATE'S SIGNATURE	
WORK ASSIGNMENT	QUARTERS ASSIGNMENT	

INSTRUCTIONS:

1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system
2. State your grievance in Block A in a brief and understandable manner
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Brief, clear statement of grievance

On the above date while collecting the dinner trays C/O Hoover said to C/O Johns I wonder how Franklin liked his food after I pissed in it and this C/O has been harassing me for about two months now since my finger tip has been cut off on 2-25-98 and I have reported this to the Unit Manager and still heard nothing been done about C/O Hoover harassing me and I would like something done because he thinks he is above the law and that nothing will be done about his harassing me and not only the racial comments, smart remarks, but now he wants to play with my food, so if something isn't done about C/O Hoover harassment to me then my lawyer will deal

B. Actions taken and staff you have contacted before submitting this grievance, with this:

Reported C/O Hoover to Unit Manager several times. I would want anything from

DC-135A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

INMATE'S REQUEST TO STAFF MEMBER

INSTRUCTIONS

Complete items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER)	2. DATE
3. BY: (INSTITUTIONAL NAME AND NUMBER)	4. COUNSELOR'S NAME
5. WORK ASSIGNMENT	6. QUARTERS ASSIGNMENT
7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS	

Unit Manager Mr. Wood
Clarence Franklin 00066
Mod 5 E BIK A2-20
ON 2-20-98 while preparing for yard at 7:45 am I was putting on my jumpsuit so as I only had two buttons to button up I ask C/O Vis could he put my socks on the panel which they were on my cell door handle where I couldn't reach them he C/O Vis then stated to me did I want to go out for my yard, so I then ask C/O Vis if I could

and started to close the panel so I started reaching my stuff
and my fingers got caught in the bottom of the panel and I
ask C/O Via to wait a minute because my finger was stuck
but C/O Via said fuck my finger and closed the panel and
cut clean through my finger completely off and it was →

2. DISPOSITION. (DO NOT WRITE IN THIS SPACE)

TURNOVER

I know that you have requested
an investigation through the S.C.I.C.
Security Office. It is up to the
Superintendent to authorize an
investigation. I will watch staff
for inappropriate comment and take
appropriate action if any are observed.

done on purpose, because when I stated to him my
finger was stuck and he (C/O Via) continue closing
the panel there no question it was done on purpose
and then if you would look over the misconduct I was
given my C/O Via to cover or try to cover his wrong
up you will see the mistakes he made in the misconduct
and now I know he will be coming after me or sending
some of his CO workers at me, but I want this whole
thing investigated, Thank you!

Unit Manager Mr. Ward Smith

Unit Manager Mods SMU Mr. Ward